

Newbattle Abbey College

Student Disciplinary Policy and Procedures

1 Purpose

The purpose of this Policy is to guide student behaviour to ensure the best learning opportunities for all, through adherence to the Student Code of Conduct set out in (Appendix 1).

2 Scope

- 2.1 This policy and procedures cover all students enrolled at Newbattle Abbey College.
- 2.2 This Policy should be read in conjunction with the College Equality and Diversity Policy, the Student Attendance and Progress Policy, the Student Appeals Policy, the Smoking Policy, the Assessment and Moderation Policy, the Health and Safety Policy and the Student Code of Conduct

3 Responsibilities

- 3.1 The Principal is the final arbiter in the interpretation of this Policy.
- 3.2 The Depute Principal is responsible for the implementation and development of this Policy.
- 3.3 All members of staff and students are responsible for the effective operation of this Policy.
- 3.4 The Depute Principal will normally manage disciplinary action against students.
- 3.5 All students are responsible for adhering to the Code of Conduct.
- 3.6 Staff will use a range of coping strategies to encourage and explain acceptable standards of behaviour to students. Explanations should emphasise the importance of the Code of Conduct and strategies could usefully involve conversation with the student's Class Tutor or Guidance Tutor.

4 Breaches of the Student Code of Conduct

- 4.1 The disciplinary action taken will reflect the circumstances and severity of the offence, together with any previous disciplinary action taken against the student concerned.

- 4.2 There are three categories of breaches which will invoke disciplinary proceedings significant, serious and extremely serious. The category of behaviour will determine the disciplinary procedure followed.

4.2.1 Significant Breaches

Examples of significant breaches include disruptive or discourteous behaviour likely to cause offence, hinder learning or diminish the learning environment, lateness and breaches of the Student Attendance Policy, where attendance has fallen below 90%.

4.2.2 Serious Breaches

Examples of serious breaches include violations of the Smoking, Health and Social Care (Scotland) Act 2005 and breaches of the College Smoking Policy, specifically smoking within College buildings.

Further examples of serious breaches include abusive language to a member of staff, disobedience in class, behaviour which obstructs the learning of others, lack of application to studies, behaviour that a lecturer considers inappropriate in the classroom. This list is indicative and not exhaustive.

A breach of the Student Attendance Policy where attendance falls below 90% would also be an example of a serious breach.

4.2.3 Extremely Serious Breaches

Examples of extremely serious breaches include illegal, dangerous, threatening, discriminatory or deceitful behaviour, such as bullying, harassing, violent or discriminatory behaviour, misuse of drink, vandalism, theft, dishonesty, plagiarism, disregard of instructions from staff, and behaviour that endangers others. This list is indicative and not exhaustive.

The use or sale of illegal drugs on College property or its immediate environs is regarded as an extremely serious breach.

- 4.3 The Depute Principal and Curriculum Manager can provide staff with general advice on interpretation of these Policies and Procedures and strategies to be adopted in their application.

5 Student Support

- 5.1 Personal support, advice, mediation and learning support is available to all students to assist them to comply with the College policies and, if necessary, modify their behaviour.
- 5.2 If a student is deemed to require extra support this shall be provided where possible.
- 5.3 Where the student's behaviour is or may be attributable to additional support needs the issue may also be referred to the Support for Learning Tutor. These needs and any other mitigating circumstances will be taken into account during the disciplinary process.

6 Reporting and Investigating alleged breaches of the Student Code of Conduct

- 6.1 Any member of College staff can formally report a student for a breach of the Code of Conduct using the Staff Complaints Procedure.
- 6.2 The Curriculum Manager will investigate any breaches of conduct referred by staff. The Curriculum Manager will speak to student(s) concerned and any other students or staff involved.
- 6.3 Where a student is found to have committed a breach of the Code of Conduct a Disciplinary Report (the form of a report is set out in Appendix 2) will be completed by the Curriculum Manager and referred to the Depute Principal if appropriate.
- 6.4 A Disciplinary Report will be placed on file.
- 6.5 Depending on the circumstances, a first warning letter may be sent to the student from the Curriculum Manager (Appendix 3) and no further action will be taken unless there is a repeated breach.
- 6.6 In instances where the Disciplinary Report makes a finding that there has been a serious or extremely serious breach (or where there have been repeated instances of a significant breach) then the Depute Principal may decide that it is appropriate to refer the matter to the Formal Disciplinary Procedure (set out in Section 7).
- 6.7 Where a student is found to have committed a repeated breach of the Code of Conduct an interview with the student will be held and a letter sent to them advising them that this will happen (see Appendix 4).
- 6.8 In appropriate circumstances, the College may treat repeated instances of significant breaches as a serious breach, for the purpose of this policy and the student may be subject to the Formal Disciplinary Procedures (set out in Section 7).
- 6.9 Any subsequent Disciplinary Reports will be placed in the student's disciplinary file and a copy sent to the Principal.

7 Formal Disciplinary Procedure

Following an investigation into an allegation against a student of a Serious or Extremely Serious Offence or a repeated breach of a Significant Offence as set out in the College policies or the Code of Conduct the following procedures may be followed as appropriate.

- 7.1 A student may be suspended by a member of the Management Team pending the outcome of an investigation into an alleged Significant, Serious or Extremely Serious Offence or a repeated breach of the Code of conduct, pending a disciplinary hearing (a letter in the form set out in Appendix 7 will be issued in such cases).
- 7.2 A disciplinary hearing may be held, prior to which the student will be informed of the allegation(s) against him/her and invited to make representations, either in person or in writing.

- 7.3 The student will be notified by letter (Appendix 7) if a disciplinary hearing is to be convened.
- 7.4 In advance of a disciplinary hearing, the Depute Principal will appoint an investigating officer to prepare a report of the alleged breach of the Code of Conduct.
- 7.5 Prior to any disciplinary hearing the student will receive a report on the investigation into the allegations against them.
- 7.6 The student may choose to be accompanied and supported by a representative or friend at a disciplinary hearing. However, all dialogue or correspondence prior to the hearing will be carried out directly with the student.
- 7.7 If, following a disciplinary hearing, the convenor of the hearing concludes that the allegations are well founded and that there has been a breach then the student will be informed of the decision by letter (Appendix 5).
- 7.8 If there is a finding that there has been a breach then a Disciplinary Report Form and copy of the letter will be placed in the file and one of the following disciplinary actions will result:
 - 7.8.1 Formal Final Written Warning issued to the student (applicable to a finding of breach or a repeated breach of the Code of Conduct the form of warning is set out in Appendix 5).
 - 7.8.2 Dismissal of the student from the College (applicable to finding that an Extremely Serious breach has occurred, or there is a repeated breach of a Significant, or Serious Offence or a repeated breach of the Code of Conduct. In such cases a letter in the form set out in Appendix 8 will be issued).
- 7.9 A student dismissed from the College will not be considered for re-admission for three academic sessions following the session in which the dismissal occurred.

8 Right of Appeal

- 8.1 A student has the right of appeal against disciplinary decisions made under the Student Appeals Policy and Procedure. Copies of these decisions are available from Administration staff.
- 8.2 It should be noted that any appeal must be made by the student themselves. Where a student has special needs that require the support of another person then the College may make allowances for a 'supporter' to assist with making their appeal.

9 Documentation

- 9.1 A student disciplinary file will be kept for each individual involved in disciplinary action.
- 9.2 Disciplinary files of students that are dismissed will be kept for three academic sessions following the session in which the dismissal occurred.
- 9.3 Disciplinary files of students who are subject to sanctions (including warning letters) other than dismissal will be destroyed within 6 months of confirmation that the student has completed their studies and left the College.
- 9.4 The College Equalities Group will monitor disciplinary actions and procedures for effectiveness and consistency.

10 Evaluation and Review

- 10.1 These procedures will be reviewed in 2014 or when changes affect it.

Newbattle Abbey College	Policy/Procedure
Title: Student Disciplinary Policy	File ref: Learning & Teaching/Student Disciplinary
Prepared by: Brodies/SMT	No of pages: 15
Approved by: Board	Last Revision date: Sept 2011 by SMT
Date created: March 2004	Next review date: Sept 2014

NEWBATTLE ABBEY COLLEGE STUDENT CODE OF CONDUCT

Before you start your course you should:

Make sure that you have obtained sufficient information and advice about the level and content of your chosen course.

Make sure that you can commit the necessary effort to ensure your best chance of success.

Supply the College with complete and accurate information to enable you to enrol and, if eligible, apply for financial support.

WHAT WE EXPECT OF YOU:

We expect that you show respect for the opportunity given to you.

We expect 100% attendance.

We expect you to display high standards of behaviour and self-discipline.

We expect that you show respect towards your fellow students, staff and visitors.

We expect you to commit to your studies, work hard and achieve to your potential.

We expect you to use your unique skills and talents to help build a positive affirming learning community.

AS A STUDENT YOU SHOULD:

Attend 100% of your course.

Take time to read the College policies in the Student Academic Policies Handbook.

Behave in a way that would be entirely acceptable within any formal environment, for example in the workplace.

Treat all visitors, staff and other students with courtesy and respect.

Be aware that absenteeism, authorised or unauthorised will seriously affect your ability to achieve your qualification.

Make sure that you attend on time and keep staff fully informed if you are absent.

Restrict eating or drinking to appropriate designated areas.

Comply with the College Smoking Policy.

Not use personal music players and internet chat rooms in a classroom whilst under instruction.

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Switch mobile phones off in classrooms and only use them in designated areas.

Avoid language or actions that may cause offence such as swearing and behaving disruptively or in a discriminatory manner.

Wear appropriate dress that is safe, fit for purpose and does not cause offence.

Respect College facilities, property and its environment, avoiding damage, inconsiderate disposal of litter, or disposal of gum, careless driving or parking, and disturbing other residents.

Actively participate in class groups and in all learning opportunities in order that you get the greatest advantage out of your time at College.

Put in as much extra effort as is required for you to make good progress.

Keep track of your own progress and if you have concerns or difficulties contact your Guidance Tutor, Support for Learning Tutor or Curriculum Manager as soon as possible.

Keep the College informed of changes to personal details for example, change of address, change of surname etc. Contact Jackie Kane, Administration Supervisor, with any changes to jackiek@newbattleabbeycollege.ac.uk

Not let problems and issues get you down. Contact your Class Tutor, Guidance Tutor or Curriculum Manager. All staff are there to help and have wide experience of students in similar circumstances to you.

Pay particular attention to assessment instructions being aware that you are assessed entirely on your own work and that any use of the work of others is a very serious breach of discipline.

Be aware of the College's Student Disciplinary Policy and Procedures, and ensure that you avoid all actions constituting disciplinary offence, including theft, violence, malicious damage, deception, intimidation or misuse of drink, use or sale of illegal drugs on College premises or its environs, all of which offences are likely to lead to dismissal from the College.

ON COMPLETING YOUR COURSE YOU SHOULD

Check that all your results have been recorded and that you have received all appropriate certificates within the timescale notified by staff.

Use your new skills and knowledge to take a fresh look at your opportunities.

Develop yourself further through contributing to society building on your self-reliance and capabilities.

APPENDIX 2

DISCIPLINARY REPORT

This form should be completed by the Curriculum Manager wishing to formally report a student having been found to be in breach of the Student Disciplinary Policy and Procedures.

Students Full Name:	
Course:	
Member of Staff Completing Report	
Date and description of Incident	
Signed:	
Date submitted to Depute Principal, when appropriate	
Administrative Use only	
Administrative Assistant (Initials):	
Report Status:	1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th <input type="checkbox"/>
Copy Placed on File Date:	
Copy sent to/received by Depute Principal if appropriate	
Date:	
Interview Letter of Action Filed Date	

(Insert Date)

(Insert name and address)

Dear (insert name)

Breach of Student Code of Conduct

I was disappointed to learn that you have been found to be in breach of the Student Code of Conduct. This letter constitutes a Warning under the College's Student Disciplinary Policy and the incident will be recorded in a disciplinary file in your name.

At Newbattle Abbey College we expect all students to behave in a way that respects colleagues, staff and College property. On this occasion, you have fallen short of our expectations.

Should you be reported on a second occasion, I will require you to attend an interview to discuss your behaviour and to inform you of the disciplinary action to be taken.

I expect you to reflect on your actions and make every effort to improve your behaviour to allow all students to enjoy and benefit from their studies.

Yours sincerely

(Insert name)

Curriculum Manager

SECOND LETTER FROM CURRICULUM MANAGER

APPENDIX 4

(Insert Date)

(Insert name and address)

Dear (insert name)

Alleged Repeated Breach of Student Code of Conduct

I have asked the Depute Principal to conduct a disciplinary interview as described in the Student Disciplinary Policy and Procedures.

Repeated Breach of the Code of Conduct is unacceptable at Newbattle Abbey College and it is important that any allegations are investigated and issues arising from the investigation addressed in order to promote a culture of success.

I will not be writing to you again as you now fall under the Student Disciplinary Procedures. However, I hope that the disciplinary process will allow you to find the self-discipline and maturity to successfully complete your studies.

Yours sincerely

(insert name)

Curriculum Manager

(Insert Date)

(Insert name and address)

Dear (insert name)

Breach of College Discipline

Confirmation of Disciplinary Action - Formal Final Written Warning

This is to confirm the findings of the disciplinary hearing held on (insert date).

The panel (state who is on the panel) has decided that you are responsible for the following serious (or repeated) breach of discipline:

(State in detail the nature of the breach of discipline).

(Also state the penalty - final written warning)

If you wish to appeal against this decision you should do so within five working days of receipt of this letter.

A copy of the College Appeals policy is enclosed.

You should state clearly the grounds upon which you wish to appeal.

Yours sincerely

(insert name)

Depute Principal

(Insert Date)

(Insert name and address)

Dear (insert name)

Suspension from Newbattle Abbey College

I write to confirm your suspension from College with effect from (date and time)

The reason for your suspension is to enable a full investigation into the following allegations made against you:

- Insert allegations being investigated

This suspension will remain in place until further notice pending the outcome of an investigation into the alleged breach of College discipline.

You should ensure that you have left College premises by 5pm on (insert Date)

You may leave your belongings in your room during this suspension but must not attend College, remain in residency or participate in any College activities whilst this suspension is in place.

You will receive written confirmation of the result of the current investigation as soon as possible. Please therefore ensure that you have handed in your key to staff in reception and provided them with a contact address before you leave.

Yours sincerely

(insert name)

Depute Principal

(Insert Date)

(Insert name and address)

Dear (insert name)

Notification of Disciplinary Hearing

Further to an investigation into alleged [Serious /Extremely Serious/ repeated breach of a Significant Breach of the Code of Conduct as set out in the College Student Disciplinary Policy and Procedures] you are required to attend a disciplinary hearing. (give time, date and location of the hearing)

The investigation has revealed evidence of the following breach. (give summary of findings of investigation)

A report of the investigation is attached to this letter.

You are entitled to be accompanied at the hearing by a friend or representative.

Please confirm your attendance by letter or by contacting or telephoning (give name, location and telephone number of Depute Principal).

Yours sincerely

(insert name)

Depute Principal - Chair of Disciplinary Hearing

(Insert Date)

(Insert name and address)

Dear (insert name)

Breach of College Discipline

Confirmation of Disciplinary Action - Dismissal from Newbattle Abbey College

This is to confirm the findings of the disciplinary hearing held on (insert date) that you are dismissed from Newbattle Abbey College with effect from (insert date).

The panel has decided that you are responsible for the following Extremely Serious Breach, Serious Breach or repeated breach of the Code of Conduct.

(State in detail the nature of the breach of discipline).

Your dismissal extends to the student residency and any other property owned, leased or operated by Newbattle Abbey College.

Re-admittance will only be considered on merit, following a period of 3 academic sessions after the current session.

If you wish to appeal to this decision you should do so within five working days of receipt of this letter.

A copy of the College Student Appeals policy is enclosed.

You should state clearly the grounds upon which you wish to appeal this decision.

Yours sincerely

(insert name)

Depute Principal
Chair of Disciplinary Hearing

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Flowchart of Procedures

